

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2006

Division: County Attorney

Bulk Item: Yes XX No

Staff Contact Person: Pedro Mercado

AGENDA ITEM WORDING:

Approval of settlement agreement in code enforcement lien in Monroe County V. Harry F. Keitz, Case No. U7-01-267

ITEM BACKGROUND:

Property owner was cited for violation of Monroe County Code 8-30(a)(e) – Premises to be cleared of debris and noxious materials; 8-30(b)(e) – Failure to mow property every 3 months, 19-95 - Abandoned vehicles, 6-16.2 – Standard Unsafe Building Abatement Code Adopted – Maintenance.

The violator was fined \$50.00 a day beginning August 23, 2001. The property was brought into compliance on February 23, 2006. The fine ran for a total of 2,010 days accruing to \$100,600. Because of the age of the case, the only documentation available is the original Order Imposing Lien, a July 2001 letter from Gay Marie Smith to Mr. Keitz and an invoice dated October 2001 for bobcat, backhoe and dumpster rental. The violator contacted the County Attorney's office through his attorney and is seeking settlement of the case. Since the violation was not timely brought into compliance, the County Attorney's Office does not feel this case should be settled for the typical ten percent of the total fine. Staff recommendation is to settle the case for fifteen percent of the total fine which is \$15,900.

PREVIOUS RELEVANT BOCC ACTION:

None.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval of settlement agreement.

TOTAL COST:

BUDGETED: Yes No

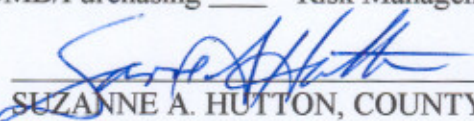
COST TO COUNTY:

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes XX No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty ✓ OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included XX Not Required

DISPOSITION:

AGENDA ITEM #

Revised 2/05

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA**

The Honorable J. Jefferson Overby, Presiding

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO.: U7-01-267

HARRY F. KEITZ,

Respondent(s)

_____ /

SETTLEMENT AGREEMENT

The Petitioner Board of County Commissioners of Monroe County and Harry F. Keitz, Respondent(s), hereby agree to settle the code enforcement lien imposed in the above-referenced case by the Special Master against property owned by the Respondent(s) as follows:

1. The parties agree to settle the code enforcement lien for \$15,900.00.
2. The property in question has a legal description of Lots 1 & 24, Block 8, Largo Gardens Subdivision, Key Largo, Monroe County, Florida (RE:# 00456890-000000)
3. Upon approval of this agreement by the Board of County Commissioners, the Respondent(s) shall remit a check in the amount of \$15,900.00 made payable to the Board of County Commissioners.
4. Once the aforementioned check has cleared, the County will issue to the Respondent(s) a release and satisfaction of said lien **for filing by the Respondent(s)** in the Official Records of Monroe County.

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MONROE COUNTY ATTORNEY

5. The County will file a copy of the release and satisfaction in the official Code Enforcement file.
6. By entering into this agreement, each party agrees to waive any and all claims that it could have raised and/or potential claims that it might have been able to raise as a result of the above-captioned code enforcement case.
7. Both parties warrant that they have had an opportunity to consult with counsel before entering into this agreement.
8. Each party agrees to bear its own costs and attorney's fees other than as specified in this agreement.

ATTEST:

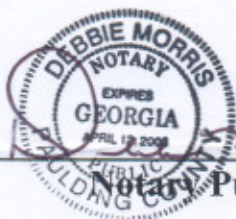
DANNY L. KOLHAGE
CLERK:

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY

By: _____
Deputy Clerk

By: _____
Charles McCoy, Mayor

Dated _____



HARRY F. KEITZ, Respondent
(Printed Name)

By: Harry F. Keitz 3-17-2006
(date)

This document was prepared and approved as to form by:

Pedro J. Mercado
Pedro J. Mercado, Esq.
Assistant County Attorney
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